

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND
MECHANICAL VENTILATOR
PRODUCTS LITIGATION**

)
)
) Master Docket: Misc. No. 21-1230
)
) MDL No. 3014

) This document relates to: Consolidated
) Second Amended Class Action
) Complaint for Economic Losses (ECF
) No. 637)
)

**STIPULATION AND ORDER PRESERVING
DEFENDANT KONINKLIJKE PHILIPS N.V.’S JURISDICTIONAL DEFENSE**

This Stipulation and [Proposed] Order is entered into by and between Plaintiffs and Defendant Koninklijke Philips N.V. (“KPNV”).

KPNV believes that Plaintiffs have not pled, and also cannot demonstrate, personal jurisdiction over KPNV with respect to the claims asserted in this action. Plaintiffs believe that they have pled, and also can demonstrate, personal jurisdiction over KPNV with respect to the claims asserted in this action. However, to provide for the efficient adjudication of KPNV’s potential personal jurisdiction defense, the parties agree to defer KPNV’s jurisdictional challenge and related briefing until later in pre-trial proceedings before this Court, on a schedule to be determined. In doing so, the parties agree that in not seeking dismissal on personal jurisdiction grounds at the pleading stage pursuant to a motion under Rule 12, and in participating in further proceedings before its jurisdictional challenge is briefed and decided, KPNV is not waiving, and is expressly preserving, its personal jurisdiction defense in all respects. The parties also agree that by entering into this Stipulation, the parties are not waiving any arguments they may have regarding KPNV’s potential personal jurisdiction defense, including but not limited to any arguments based on facts pre-dating the entry of this Stipulation by the Court.

Dated: August 2, 2022

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DATED: August 3, 2022

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti
Senior United States District Judge